

# EXHIBIT A

## **Section I**

### **1.1 Introduction**

This Administrative Procedure (AP 5500) is intended to effectively implement Board Policy 5500 Student Code of Conduct, and as such, this Procedure shall constitute the Student Code of Conduct for all District Students.

The primary purpose of this Student Code of Conduct is to support and protect Students to ensure their academic and personal success throughout their attendance at any of the Colleges within the District. In addition, this Student Code of Conduct intends to educate Students about rights, responsibilities, and violations under the Student Code of Conduct and their consequences. This Student Code of Conduct includes a defined process for the fair and impartial review and determination of alleged improper Student behavior. This Student Code of Conduct also specifies the various sanctions that may be imposed on District Students for violations of this Student Code of Conduct. Students are expected to be familiar with the terms of Board Policy 5500 and this Administrative Procedure 5500 Student Code of Conduct.

This Procedure provides for the orderly administration of this Student Code of Conduct consistent with the principles of due process of law. Reasonable deviations from the Student Code of Conduct will not invalidate a decision or proceeding. This Student Code of Conduct is not intended to prevent or limit lawful exercise of academic freedom or constitutionally protected free speech or expression.

### **1.2 The Use of “Will” and “Shall”**

In this Student Code of Conduct, and throughout the District’s Board Policies and Administrative Procedures, the terms “will” and “shall” are used in the mandatory sense.

### **1.3 Notice – Process for Notification**

The District’s primary correspondence and notification mechanism with Students shall be through the Student’s District assigned email account. However, at the discretion of the District/College, Students may be notified at another email address provided by Students, via U.S. mail, or via in-person delivery. In addition, the District/College may, at its discretion, notify students via telephone or text as appropriate. The District reserves the right to notify parents/legal guardians/emergency contacts when it determines that any Student, regardless of age, is in a situation that is threatening to the Student’s own or other individuals’ health and safety. Any reference to “receipt of letter or notification” shall mean the date the correspondence was sent or postmarked. It is the Student’s responsibility to ensure that electronic communication is opened and reviewed. The District/College may consider, as needed, notifying the Student via a different method to ensure receipt of notices.

### **1.4 Jurisdiction**

This Student Code of Conduct applies to conduct that takes place at the District, the Colleges within the District, its property (including offsite locations owned, rented, leased, or operated by the District or the Colleges), on-campus student housing facilities, through its online services, and at District-sponsored/College-sponsored programs, activities, and travel. This Student Code of Conduct also applies to off-campus conduct when the effects of the off-campus conduct create

a Hostile Environment or impact a substantial District/College interest. A substantial District/College interest may include:

- Any action that constitutes a criminal offense as defined by law. This includes, but is not limited to, a single or repeated violations of any local, state, or federal criminal statute or ordinance;
- Any situation where it appears that a Student may present a danger or threat to the health or safety of themselves or others;
- Any situation that significantly impinges upon the rights, property, or achievements of self or others, or that significantly breaches the peace or causes significant disruption; and
- Any situation that is detrimental to the educational interest of the District/College.

This Student Code of Conduct may apply to online activity and communication that occur outside of the District's/College's control when those online behaviors can be shown to create a Hostile Environment on campus or cause substantial disruption.

### **1.5 Anti-Discrimination Statement**

The District does not unlawfully discriminate based upon age, race, ethnicity, sexual orientation or preference, gender, national origin, veteran's status, gender identification, or genetic information in administering District educational policies and procedures. The District complies with the American Disabilities Act of 1990 (ADA) and Section 504 of the Rehabilitation Act of 1973. See Board Policy 3410 Nondiscrimination.

### **1.6 Parallel Student Conduct Proceeding**

Student Code of Conduct proceedings are administrative in nature, and are independent from court or other administrative proceedings. Discipline may be instituted against a Student who is also charged in civil or criminal courts based on the same facts that constitute the alleged violation of this Student Code of Conduct. The District may elect to proceed before, concurrently with, or after any judicial or other administrative proceedings.

### **1.7 Parallel Title IX Investigation Proceeding**

The Title IX Board Policy and Administrative Procedure, BP/AP 5910 Sexual Misconduct and BP/AP 3910 Title IX Sex Discrimination and Sex-Based Harassment, addressing the Investigation of allegations of sexual misconduct incorporate the sanctions and general procedures set forth in this Student Code of Conduct, but are not restricted by this Procedure. Title IX Investigations and processes are independent from court or other administrative proceedings. Student discipline may be instituted against a Student who is also charged in civil or criminal courts based on the same facts that constitute the alleged violations of Title IX or other law applicable to sexual misconduct. The District may elect to proceed before, concurrently with, or after any judicial or other proceedings.

## **Section II – Student Rights & Responsibilities**

### **2.1 Due Process**

Students are entitled to a fundamentally fair process, including reasonable notice of allegations of violations of this Student Code of Conduct, the opportunity to be heard, and to present evidence, and in appropriate circumstances, the opportunity to engage in some form of examination of witnesses, prior to the administrative determination of the alleged violations.

The requirement of this Section 2.8 shall apply only to the Administrative Hearing. Information regarding witnesses for the Appeal Hearing are set forth in Section 4.4 of this Student Code of Conduct.

## **2.9 Confidentiality**

Any information provided to the District may be shared with other District employees, law enforcement, or other individuals or entities, consistent with law, only on a “need to know” basis. District employees shall endeavor to honor any request for confidentiality; however, *confidentiality cannot always be assured*. The District may weigh requests for confidentiality against its duty to provide a safe and nondiscriminatory environment for all members of the District Community.

Administrative Review and Appeal Hearings are considered private and confidential so as to protect the Parties. Administrative Review and Appeal Hearings are not open to the public. The Parties are expected to maintain confidentiality.

## **Section III – Student Discipline Process**

### **3.1 Complaint Filed/Incident Reported**

The District, through its College Disciplinary Officer, will investigate all reports of alleged violations of this Student Code of Conduct. Anyone who believes that a provision of this Student Code of Conduct has been violated should contact the College Disciplinary Officer identified at each College. Reports of allegations are entered into a District-wide system where it is assigned to the appropriate College Disciplinary Officer.

### **3.2 Notice to Student**

In all cases, the College Disciplinary Officer will provide notice to the Parties, providing them with the following information, pursuant to Section 1.3:

- A description of the alleged violation(s).
- A description of the applicable policies.
- A statement of the potential sanctions that could result.
- A statement that the Student may elect to have legal representation, or be assisted by an Advisor of the Student’s choice or may request the District to provide an Advisor to the Student.
- A statement that the Student must provide the College Disciplinary Officer with their choice of Advisor (name and contact information of the Advisor) or request that an Advisor be provided at least seven Business Days before the Administrative Review or Appeal Hearing.
- A statement that specifies information about legal counsel and their role, should the Student choose to have legal representation.
- A statement that the Student must contact the College Disciplinary Officer within seven Business Days from the date of the notification letter to confirm or schedule the meeting. The Student’s failure to contact the College Disciplinary Officer within this seven Business Day period shall constitute the Student’s waiver of their ability to provide a response to the alleged violation(s), and the Administrative Review shall take place as if the Student has not responded.

If the Student is a dependent minor, unless the minor is a verified emancipated minor, the notice also will be provided to the Student's parent or legal guardian. The College Disciplinary Officer will contact the Student to obtain the full legal name, address, and telephone number of their parent or legal guardian

### **3.3 Interim Actions**

Interim actions are those temporary sanctions deemed necessary by the College Disciplinary Officer to protect the safety and security of the District Community pending Investigation into the alleged violations of this Student Code of Conduct. The College Disciplinary Officer may take any interim actions deemed necessary to:

- Protect the District Community from potential threats to health and safety;
- Protect any particular member of the District Community;
- Protect against the risk of substantial disruption to normal District/College operations.

The College Disciplinary Officer will inform the Student involved of any interim action/restrictions implemented against them pending Investigation.

Interim Actions are in effect immediately and shall not be delayed. These Interim Actions may include:

- a) Interim Suspension – A Student who is suspended on an interim basis is subject to the same restrictions as if they had been suspended as a final sanction. The College Disciplinary Officer may impose an immediate interim suspension of up to ten Business Days. On a case-by-case basis, the College Disciplinary Officer may extend the interim suspension by increments of five Business Days.
- b) Interim Restriction – These restrictions may include, but are not limited to:
  - Restricted access to District facilities and District events;
  - No-contact orders with specific individuals; or
  - Any other restrictions deemed by the College Disciplinary Officer to be necessary to achieve the goals stated above.

The College Disciplinary Officer may impose an interim restriction of up to ten Business Days following notice from the College Disciplinary Officer. On a case-by-case basis, the College Disciplinary Officer may extend the interim restriction by increments of five Business Days.

Interim action timelines do not apply to the Orange Coast College (OCC)'s student housing – The Harbour. The Harbour management or OCC has the right to immediately terminate a Student's Housing Agreement and remove the Student from the housing if the terms of the Housing Agreement are violated, or the removal is in the interest of safety and well-being of residents and the community. Such removals may be independent proceedings under this Student Code of Conduct or may occur in parallel. In addition, if a Student is suspended or restricted from OCC or the District, and if that Student is a resident of The Harbour, the Student's Housing Agreement will then be terminated, and the Student will be subject to removal from The Harbour.

Interim Suspension and Request to Stay

Upon notice of an Interim Suspension by the College Disciplinary Officer, the Student has seven Business Days (from the date of the notice) to submit reason(s) for a Request to Stay to the Vice President of Student Services, or their Designee. The Vice President of Student Services or their Designee will render a decision on providing a stay, with or without modifications to the Student's request. The Vice President of Student Services or their Designee will provide the Student with a decision within five Business Days of the received Request to Stay. The Interim Suspension remains in effect until a decision from the Vice President of Student Services or Designee is rendered.

**3.4 Investigation Process**

Administrative Reviews are not intended to be adversarial in nature. The Student or the Advisor shall not have the right to cross-examine any other Party or witness during the Administrative Review. The investigator will conduct interviews to determine the accuracy of statements or other evidence for the College Disciplinary Officer to consider. The College Disciplinary Officer may act in the role of investigator.

The College Disciplinary Officer's primary communication to all Parties involved in the Investigation shall be through District assigned email addresses, with supplemental or other forms of communication used as needed.

The College Disciplinary Officer will investigate each complaint submitted to determine whether it is appropriate to charge a Student with a violation of this Student Code of Conduct.

Investigations should generally result in resolution within 90 Days after a complaint has been made, barring unexpected delays. If circumstances warrant, the College Disciplinary Officer will provide notice to the Student of any delays or extensions necessary to complete any Investigation.

Investigations may involve interviews with the Reporting Party, person(s) alleged to have violated the policy(ies), witnesses, and other individuals having knowledge of the alleged violation.

The College Disciplinary Officer shall make reasonable efforts to give the Student an opportunity to rebut the accusations or otherwise provide relevant information to the College Disciplinary Officer.

Should a Student fail to appear for any Administrative Review or Appeal Hearing, that Student may be considered to have waived their right to be present for the Administrative Review or Appeal Hearing and the Investigation may proceed without the Student's input, and appropriate sanctions may be administered.

**3.5 Methods for Resolution**

The College Disciplinary Officer or Designee has the discretion to elect any of the following methods for resolution:

- Mediation/Alternative Dispute Resolution – For allegations determined to be better settled through conflict resolution by the College Disciplinary Officer, a voluntary

alternative to the formal Investigation and hearing process, as mutually agreed upon by the College Disciplinary Officer, the Student, and any other involved individual as appropriate. The College Disciplinary Officer will select a trained mediator to assist the Student and Reporting Party in attempting to resolve the allegation. The mediator can be the College Disciplinary Officer, or any other employee of the District as designated by the College Disciplinary Officer. The College Disciplinary Officer may also utilize the services of an external mediator.

- Informal Administrative Resolution – The Student admits to the allegations, and accepts the recommended sanctions of the College Disciplinary Officer.
- Formal Finding by the College Disciplinary Officer – The College Disciplinary Officer, after completing an Investigation, which includes an opportunity for the Student to deny or explain allegations.

### **3.6 Findings and Determination**

**Not Responsible** – The College Disciplinary Officer determines that insufficient evidence exists, by the Preponderance of Evidence standard, for a Finding of Responsible for the alleged violation(s). The case is closed and a record is retained.

**Responsible** – The College Disciplinary Officer determines that sufficient evidence exists, by the Preponderance of Evidence standard, for a Finding that the Student is Responsible for the alleged violation(s).

This determination may also be rendered through the Informal Administrative Resolution, where the Student has admitted culpability for the alleged violation(s). The College Disciplinary Officer may close the case.

### **3.7 Standard of Proof**

In all cases involving alleged violations of this Student Code of Conduct, the standard of proof for determining whether a Student is Not Responsible or Responsible is Preponderance of Evidence standard (e.g., more likely than not), as defined in Appendix A herein. This standard of proof applies to the determinations made by the College Disciplinary Officer, or the Appeal Committee.

### **3.8 Imposing Sanctions**

After the Administrative Review and considering all information relevant to the issue, the College Disciplinary Officer shall then decide whether or not to impose sanctions.

If a Student is found Responsible, appropriate sanctions will be imposed by the College Disciplinary Officer pursuant to the available sanctions set forth in Appendix C. The Student may elect to appeal the Findings and sanctions subject to the limitations for grounds for appeal set forth herein.

### **3.9 Notification of Findings**

The College Disciplinary Officer will notify the Student charged with violations of the Findings and, if applicable, of any sanctions imposed. Such notice shall be in writing from the College Disciplinary Officer, and communicated to the Student pursuant the notice requirements set forth in Section 1.3.



## **Section IV – Appeal Process**

### **4.1 Appeal Criteria & Grounds for Appeal**

The following sanctions, described in Appendix C, cannot be appealed:

Community Service  
Disciplinary Probation  
Educational Assignment or Project  
Mental Health Clearance  
Short term removal from class  
Hold on records  
Written Warning  
Housing Probation (OCC only)

A request for appeal must be submitted in writing and must contain detailed information supporting the grounds for appeal. The Student must specifically identify which of the bulleted grounds their appeal is based on. Student failure to specify the basis for appeal with detailed information shall constitute the dismissal of the Appeal without further proceedings, and the initial sanctions imposed shall remain in effect until the Appeal process is completed.

Students may appeal determinations based only upon the following grounds:

- The outcome of the Investigation is unsupported by the evidence, based on the Preponderance of Evidence standard.
- Excessive sanctions in relation to the violation(s) the Student was found Responsible for committing.
- A substantive procedural error which materially and significantly affected the weighing of evidence by the College Disciplinary Officer.

The Student shall provide notice of intent to appeal by email, U.S. Mail, or by personal delivery provided that the Student has not been restricted from entering the campus. The Student is to send correspondence to the Vice President of Student Services Office within ten Business Days of notification of outcome of the Finding and sanction(s). Any request for appeal that is not received within ten Business Days of notification of the outcome of a determination shall be deemed untimely and shall constitute a waiver of the Student's right to an appeal

The Vice President of Student Services shall determine if the appeal stated proper grounds for an appeal. The Vice President of Student Services shall provide written notification to the Student regarding the determination. If it is determined that there are no proper grounds for appeal, the Vice President of Student Services' decision shall be final and shall end the Student's appeal process.

### **4.2 Notice of Appeal Hearing**

If there are proper grounds for an appeal stated, the College Disciplinary Officer or Designee, will send a notice, pursuant to Section 1.3, to the Student with the following information:



## Section VI – Expulsion

### 6.1 Expulsion

The College Disciplinary Officer may initiate the expulsion process to ensure maintenance of order of the District, if the Student violates the terms of suspension, or if the Student's conduct presents a health or safety risk.

### 6.2 Notice of Recommended Expulsion

- 1) The College President shall deliver a written recommendation for the Student's expulsion to the Chancellor. The College President's recommendation for expulsion shall contain:
  - a. A statement of the Findings against the Student that provides the basis for the request that the Student be expelled
  - b. Factual description of the conduct upon which the charges are based
  - c. Summary of the Student's disciplinary and academic records
  - d. Procedures for the Student to appeal the recommended expulsion
  - e. Appropriate attachments and exhibits
- 2) A notice of the College President's recommendation shall be provided to the Student, or if the Student is a dependent minor, to their parent or guardian.

### 6.3 Procedure for Expulsion

The Student may appeal the College President's recommendation for expulsion, but not for other sanctions, by submitting a letter of appeal via personal delivery (if the Student is allowed to enter the District's property), delivery by a professional process server, or by certified mail to the District's Chancellor's Office within ten Business Days of receipt of the College President's recommendation for expulsion.

Any letter of appeal must be signed for by the District's Chancellor's Office. The letter of appeal to the Chancellor shall state the reasons why the Student should not be expelled and shall not exceed 15 pages in length. The Student or their parent or guardian does not have the right to meet personally with the Chancellor. The Student's failure to appeal shall constitute the Student's waiver of their ability to provide a response to the alleged violation(s), and the Administrative Review shall take place as if the Student has not responded.

- 1) Upon review of the letter of appeal from the Student and the recommendation for expulsion from the College President, within ten Business Days from the date the appeal from the Student was received, the Chancellor makes the decision whether to accept or deny the expulsion. If the Chancellor grants the appeal, the Student is not expelled. The Chancellor may impose a lesser discipline, or no discipline. If the Chancellor denies the appeal, then the Chancellor shall notify the Student, or the Student's parent or guardian if the Student is a dependent minor, of his/her decision to recommend expulsion. The Chancellor's notice shall be in writing, setting forth the Board meeting date, time, and location where the Board will consider the recommended expulsion. The Chancellor shall endeavor to place the recommendation on a Board agenda for action, within 60 Days of Notice of Recommended Expulsion. The Student may submit documentation to the District's Chancellor's Office which outlines why they should not be expelled. The documentation shall not exceed 15 pages in length including appendices. Documents shall be delivered via professional process

server or by certified mail. The Student's documents must be received no less than ten Business Days prior to the scheduled Board meeting date.

- 2) The Student shall be notified of their rights and responsibilities to participate in the Board's proceedings. The Student or their parent or guardian does not have the right to meet personally with the Chancellor.
- 3) The Chancellor shall submit the following documents to the Board prior to the Board acting on the recommendation for expulsion:
  - a. A copy of the College President's Notice for Recommended Expulsion;
  - b. A copy of any letters or documents submitted by the Student; and
  - c. The Chancellor's recommendation regarding expulsion of the Student.
- 4) The Board shall consider the recommendation for expulsion in closed session. The Student shall have the right to address the Board during closed session. The Student also has the right to address the Board in open session.
- 5) The Board shall render a determination in closed session, but the Board must make the final decision in open session. The Board's decision shall be final and shall end the Student's appeal process relating to the expulsion.

#### **6.4 Failure to Appear Before the Board**

A Student who fails to appear is deemed to have waived their rights to appear before the Board and a determination will be made without the Student's input.

#### **6.5 Notice of Outcome on Expulsion**

- 1) The Board shall make the decision in open session regarding the recommended Student's expulsion.
- 2) The Chancellor, on behalf of the Board, shall notify the Student in writing of the Board's determination regarding their status as a Student in the District.

#### **6.6 Expulsion Records**

The Board Secretary shall provide all documentation pertaining to the expulsion to the College Disciplinary Officer.

## APPENDIX B-CODE OF CONDUCT VIOLATIONS

The District may impose discipline for the commission, or attempted commission, of the following types of violations by Students, or for aiding or abetting, inciting, conspiring, assisting, hiring or encouraging another person to engage in a violation of this Student Code of Conduct, or for any violation of state or federal law. The following does not excuse a violation of this Student Code of Conduct:

- Being under the influence of alcohol, drugs, or other intoxicants
  - Disability
  - Psychological impairment
1. Academic Misconduct. All forms of academic misconduct including, but not limited to, cheating, fabrication, plagiarism, or facilitating academic dishonesty.
  2. Alcohol. Manufacture, distribution, dispensing, possession, use, consumption or sale of, or the attempted manufacture, distribution, dispensing, distribution, consumption or sale of alcohol that is unlawful or otherwise prohibited by, or not in compliance with, District policy, administrative procedures, or campus regulations.
  3. Assault/Battery. Assault, battery, or any threat of force or violence upon a Student or upon any member of the District Community. This includes, but is not limited to:
    - a. Inflicting bodily harm upon any member of the District Community;
    - b. Taking any action for the purpose of inflicting bodily harm upon any member of the District Community;
    - c. Taking any reckless, but not accidental action, from which bodily harm could result to any Member of the District Community;
    - d. Causing a member of the District Community to believe that the offender or their agent may cause bodily harm to that person or any member of their family or any other member of the District Community;
    - e. Inflicting or attempting to inflict bodily harm on oneself.
  4. Continued Misconduct or Repeat Violation. Repeated misconduct or violations, when other means of correction have failed to bring about proper conduct.
  5. Dating Violence. Dating Violence is abuse committed by a person who is or has been in a social or dating relationship of a romantic or intimate nature with the victim. The existence of a romantic or intimate relationship will be determined based on the length of the relationship, the type of relationship, and the frequency of interactions between the persons involved in the relationship. "Abuse" means intentionally or recklessly causing or attempting to cause bodily injury or placing another person in reasonable apprehension of imminent serious bodily injury to self, or another.
  6. Destruction of Property. The damaging, destroying, defacing, or tampering with District Property or the property of any person or business on District Property or at a District function, including but not limited to, taking down, defacing, or otherwise damaging District authorized posters, handbills and/or notices posted on District Property.
  7. Discrimination. Adverse action taken against a person because of a Protected Status, as noted within Board Policy/Administrative Procedure 3410: Nondiscrimination.
  8. Dishonesty. All forms of dishonesty including but not limited to fabricating information, furnishing false information, or reporting a false emergency to the District.

9. Disorderly or Lewd Conduct. Engaging in disorderly or lewd, indecent or obscene behavior on District Property or at a District function.
10. Disruption of Educational Process. Disruption of the District educational process(es), including but not limited to interrupting, impeding, obstructing or causing the interruption or impediment of any class, lab, administrative office, teaching, research, administration, disciplinary procedures, District Activity or District-authorized Student activity or administrative process or other District function.
11. Disruptive Behavior. Disruptive behavior, disobedience, profanity, vulgarity, or the open defiance of the authority of or abuse of District personnel, or which adversely effects the delivery of educational services to Students and the District Community.
12. Disturbing the Peace. Disturbing the peace and good order of the District by, among other things, fighting, quarreling, disruptive behavior, or participation in a disturbance of the peace or unlawful assembly.
13. Drugs. Unlawful or attempted manufacture, distribution, dispensing, possession, use, distribution or sale of, controlled substances, dangerous drugs, restricted dangerous drugs or narcotics, as those terms are used in state or federal statutes on District Property or at any District function. Possession of marijuana, or marijuana-infused products, for any purpose (recreational or medicinal) on District premises or at any District function is prohibited.
14. Endangering Welfare of Others. Violation of any state or federal law relating to the placing at risk of physical or emotional harm of a member of the District Community.
15. Failure to Appear. Failure to appear before a District official when directed to do so.
16. Failure to Comply or Identify. Failure to identify oneself to, or comply with the directions of, a District Official, employee, policy, law enforcement, or other public official when requested to do so; or resisting or obstructing such District or other public officials in the performance of or the attempt to perform their duties.
17. Failure to Obtain Permits. Participating in an organized protest for which a District permit has not been obtained.
18. Failure to Repay Debts or Return District Property. Failure to: (a) repay debts to the District; (b) return District property; (c) return property of any member of the District Community.
19. False Report of Emergency. Knowingly and purposefully, causing, making, and/or circulating a false report or warning of a fire, explosion, crime, or other catastrophe.
20. Forgery. Any forgery alteration, or misuse of any District document, record, key, electronic device, or identification, or knowingly furnishing false information to a District Official.
21. Fraud. Any attempt to steal, take, carry, lead, or take away the personal property of another, or who fraudulently appropriated property which has been entrusted to them, or who shall knowingly and designedly, by any false or fraudulent representation or pretense, defraud any other person of money, labor or property, or who causes or procures or obtains credit and thereby, or fraudulently gets or obtains possession of money, or property, or obtains the labor or service of another, is guilty of theft.
22. Gambling. Unauthorized gambling on District Property or at any District function.
23. Harassment. Harassment is unwelcome conduct, including verbal, physical, visual, or written, based on a person's Protected Status or the perception that a person has one or more of these Protected Status. This definition includes two kinds of harassment:

- a. Quid Pro Quo - exists when an educational or employment decision or benefit is conditioned on the submission to or rejection of the unwelcome conduct.
  - b. Hostile Environment – exists if the conduct is sufficiently serious (i.e., severe, persistent, or pervasive) to deny or limit a person’s ability to participate in or benefit from the District/College programs or activities.
24. Hateful Behavior. Hateful behavior aimed at a specific person or group of people.
  25. Hazing. Participation in hazing or any method of initiation or pre-initiation into a College organization or other activity engaged in by the organization or members of the organization at any time that causes, or is likely to cause, physical injury or personal degradation or disgrace which can inflict psychological or emotional harm to any Student or other person.
  26. Inappropriate Usage of Social Media. Using social media to harass, intimidate, or threaten other individuals. Usage of social media that will have indirect or direct impact on an individual or interference with the educational process.
  27. Infliction of Mental Harm. (a) Inflicting mental harm upon any member of the District Community; (b) taking any action for the purpose of inflicting mental harm upon any Member of the District Community; (c) taking any reckless, but not accidental action, from which mental harm to member of the District Community could result; (d) causing a member of the District Community to believe that the Student or their agent may cause mental harm to that person or any member of the person’s family or any other member of the District Community; (e) any act which purposefully demeans, degrades, or disgraces any person.
  28. Misrepresentation. A false statement or representation based upon the intentional disregard of false or possibly false information, or knowingly entering into a transaction based upon false information, or misrepresenting oneself to be an agent, employee, or representative of the District or its colleges.
  29. Misuse of Identification. Transferring, lending, borrowing, altering, or unauthorized creation of identification.
  30. Possession of Stolen Property. Possession of District Property, or the property of any other person, when the Student knows, or reasonably should know, that the property was stolen.
  31. Possession of Weapons. Unauthorized possession, use, storage, or manufacture of explosives, dangerous chemicals, firebombs, firearms, or other destructive devices or Weapons as defined in Appendix A.
  32. Public Intoxication. Public intoxication or being under the influence of alcoholic beverages, any illegal narcotics, or any substance that causes impairment on District/College Property or at any District/College function.
  33. Sexual Harassment. Harassment is unwelcome conduct of a sexual nature, including verbal, physical, visual, or written. Sexual Harassment includes, but is not limited to, unwelcome sexual advances, requests for sexual favors, and any other conduct of a sexual nature where:
    - a. Submission to the conduct is made a term or condition of a person’s employment, academic status, or progress;
    - b. Submission to, or rejection of, the conduct is used as a basis for any decision affecting the individual regarding employment, academic decisions, benefits,

and services, honors, programs, or activities available at or through the District/College; or

- c. The conduct has the purpose or effect of having a negative impact upon the individual's academic and business performance, or of creating an intimidating, hostile, or offensive environment.

This Procedure is applicable regardless of the sexual orientation and/or gender identity of the participants involved. The standard for determining whether unwelcome conduct constitutes Sexual Harassment is whether a reasonable person in the shoes of the victim, and is in fact considered by the victim, as limiting their ability to participate in or benefit from the services, activities, or opportunities offered by the District/College or as creating an intimidating, hostile, or offensive environment. This definition encompasses two kinds of sexual harassment:

- a) Quid Pro Quo – exists when an educational or employment decision or benefit is conditioned on the submission to or rejection of the unwelcome conduct.
- b) Hostile Environment – exists if the conduct is sufficiently serious (i.e., severe, persistent, or pervasive) to deny or limit a person's ability to participate in or benefit from the District/College programs or activities.

The more severe the conduct, the less need there is to show a repetitive series of incidents to prove a hostile environment on campus, particularly if the harassment is physical. A single or isolated incident of sexual harassment, including sexual misconduct, may create a hostile environment on campus if the incident is sufficiently severe.

- 34. Sexual Misconduct. All sexual activity must be based on Affirmative Consent. Engaging in any sexual activity without first obtaining Affirmative Consent to the specific sexual activity is Sexual Misconduct, whether or not the conduct violates civil or criminal law. Non-consensual Sexual Contact is a form of Sexual Misconduct as is any intentional sexual touching, however slightly with any object by a person upon another person, that is without Affirmative Consent and/or by force. Sexual Contact includes intentional contact with the breast, buttock, groin, or genitals, or touching another with any of these body parts, or making another touch you or themselves with or on any of these body parts; or any other intentional bodily contact in a sexual manner. Non-consensual Sexual Intercourse is a form of Sexual Misconduct and is any sexual intercourse, however slightly with any object by a person upon another person that is without Affirmative Consent and/or by force. Sexual Intercourse includes: vaginal or anal penetration by a penis, object, tongue, or finger, or oral copulation (mouth to genital contact), no matter how slight the penetration or contact. See BP/AP 5910 Sexual Misconduct and BP/AP 3910 Title IX Sex Discrimination and Sex-Based Harassment.
- 35. Serious Injury or Death. Any intentional or reckless action or conduct which results in serious injury or death to a member of the District Community or their family.
- 36. Smoking. Smoking in an area where smoking has been prohibited by law or regulation of the District.
- 37. Stalking. Stalking is engaging in a repeated course of conduct directed at a specific person that would cause a reasonable person to fear for their or others' safety or to suffer substantial emotional distress. For the purpose of this definition:



- a. Course of Conduct means two or more acts, including, but not limited to acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means follows, monitors, observes, surveys, threatens, or communicates to or about a person, or interferes with a person's property;
  - b. Reasonable Person means a reasonable person under similar circumstances and with the same Protected Status as the victim;
- Substantial emotional distress means significant mental suffering or anguish that may but does not necessarily require medical or other professional treatment or counseling.
38. Theft or Abuse of District's Computers or Electronic Resources. Theft or abuse of District computers and other District electronic resources such as computer and electronic communications facilities, systems, and services. Abuses include, but are not limited to, unauthorized entry, use, transfer, or tampering with the communications of others, and interference with the work of others, and with the operation of computer and electronic communications facilities, systems, and services. Theft or attempted theft of any kind, including seizing, receiving, or concealing property with knowledge that it has been stolen, is prohibited. Sale, possession, or misappropriation of any property or services without the owner's permission is also prohibited.
  39. Theft or Conversion of Property. Theft or conversion of District Property or services, or the property of any person or business on District Property or at a District function, or possession of any property when the Student had knowledge or reasonably should have had knowledge that it was stolen.
  40. Trespass and Unauthorized Possession. Unauthorized or forcible trespass on, entry to, possession of, receipt of, or use of any District services, grounds, equipment, resources, properties, structures, vehicles, boats, water craft or facility, including the unauthorized use of District's name, insignia, or seal without permission or authorization.
  41. Unauthorized Electronic/Digital Recording. Electronic/digital recording by any person on District Property without that person's knowledge or consent. This definition shall not apply to recordings conducted in public or a commonly recognized public event. Electronic/digital recordings or streaming are prohibited in classrooms, labs, during lectures, or on field trips without the prior approval of the Instructor or having proper authorization by the College DSPS Office.
  42. Unauthorized Use of Course or Copyrighted Materials. Students of the District will abide by all aspects of United States copyright law, Title 17 of the United States Code, to the extent possible, under authoritative interpretation of the law. Students shall not reproduce copyrighted materials without prior permission of the copyright owner, except as allowed by the "fair use" doctrine. See Board Policy and Administrative Procedure 3710 (Securing of Copyright) and Board Policy and Administrative Procedure 3750 (Use of Copyrighted Materials). In addition, Students shall not sell, prepare, or distribute for any commercial purpose any course lecture notes or video or audio recordings of any course unless authorized by the District in advance and explicitly permitted by the course Instructor in writing. The unauthorized sale or commercial distribution of course notes or recordings by a Student is a violation of these Policies whether or not it was the Student or someone else who prepared the notes or recordings. Copying for any commercial purpose handouts, readers or other course materials provided by an instructor as part of a District course unless authorized by the District in advance and explicitly permitted by



the course Instructor or the copyright holder in writing (if the Instructor is not the copyright holder).

43. Unauthorized Use of District Keys. Unauthorized use, distribution, duplication or possession of any keys issued for any building, laboratory, facility, room, or other District Property.
44. Unauthorized Use of Property or Services. Unauthorized use of property or services or unauthorized possession of District Property or the property of any other person or business.
45. Unreasonable Demands. Placing repeated, hostile, or unreasonable demands on District Officials.
46. Unwelcome Conduct: Conduct of a sexual, gender-based, or harassing nature, which is considered unwelcome if a person did not request or invite it, and considered the conduct to be unwelcome, undesirable, or offensive. Unwelcome conduct may take various forms, including name-calling, graphic or written statements (including the use of cell phones or the Internet), hazing, or other conduct that may be physically or psychologically threatening, harmful, or humiliating. Unwelcome conduct does not have to include intent to harm, or directed at a specific target, or involve repeated incidents. Unwelcome conduct can involve persons of the same or opposite sex.
47. Violation of Driving Regulations. Driving unsafely on District property or while taking part in any District function, or repeated violation of District parking regulations.
48. Violation of Health & Safety Regulations. Violation of any health, safety or related regulations, rule or ordinance on District property or at any District function.
49. Violation of Law. Violation of any federal, state or local law on District property, at a District function, or involving a member of the District Community.
- Violation of Posted District Rules. Violation of any rule or regulation posted on District Property by the District or the College, or printed in any District publication. Failure to comply with additional rules of housing and residential life and engagement specific to on-campus student housing, including the actions of a "guest," if living in an on-campus student housing facility.
50. Violation of Published Computer/Network Usage Policy(s), Procedures, or Guidelines.
  - a. Accessing and/or without permission altering, damaging, deleting, destroying, or otherwise using any data, computer, computer system, or computer network belonging to or used by the District or any Member of the District Community.
  - b. Accessing and/or without permission taking, copying, or making use of any data from a computer, computer system, or computer network, or taking or copying any supporting documentation, whether existing or residing internal or external to a computer, computer system, or computer network belonging to or used by the District or any member of the District Community.
  - c. Using or causing to be used District computer services without permission.
  - d. Accessing and/or without permission adding, altering, damaging, deleting, or destroying any data, computer software, or computer programs which reside or exist internal or external to a computer, computer systems, or computer network belonging to or used by the District or any member of the District Community.
  - e. Disrupting or causing the disruption of computer services or denying or causing the denial of computer services to an authorized user of a computer, computer

- system, or computer network belonging to or used by the District or any member of the District Community.
- f. Providing or assisting in providing a means of accessing, without permission, a computer, computer, system, or computer network belonging to or used by the District or any member of the District Community.
  - g. Accessing or causing to be accessed without authorization any computer, computer system, or computer network belonging to or used by the District or any member of the District Community.
  - h. Introducing any computer contaminant or virus into any computer, computer system, or computer network belonging to or used by the District or any member of the District Community.
  - i. Sending any message using any computer system or network without authorization or sending any message in the name of another person or entity.
  - j. Using any account or password without authorization.
  - k. Allowing or causing to be used an account number or password by any other person without authorization.
  - l. Accessing or causing to be accessed, downloading or causing to be downloaded, obscene materials except when accessing a website which is part of the instructional process or assignment for a class the Student is currently enrolled in.
  - m. Use the District's systems or networks for commercial purposes; for example, by performing work for profit with District resources in a manner not authorized by the District.

## APPENDIX C- SANCTIONS

A Student found Responsible for violating any of the Student Code of Conduct standards (BP/AP 5500) is subject to sanctions set forth herein.

The following sanctions may be imposed for violation of this Student Code of Conduct. These sanctions are not exclusive.

Administrative Withdrawal from Class prohibits a Student's continued presence in the class if their behavior is disruptive of the class and interferes with the ability of other Students in the class to learn or in any way endangers themselves or others.

Community Service shall consist of the Student performing some act or duty that is of benefit to the College and/or surrounding community.

Disciplinary Probation consists of Written Notice to the Student by the College Disciplinary Officer or Designee that the Student has violated this Student Code of Conduct and that for a specified period of time the Student must meet certain conditions as imposed by the College Disciplinary Officer. Any subsequent violations of this policy by the Student during the term of the probation or the Student's failure to comply with any condition of probation imposed by the College Disciplinary Officer will result in additional sanctions under this Procedure.

District Restriction. Restriction of the Student's access to parts or areas of the District and/or District Property for a specified period of time.

Educational Assignment or Project. The College Disciplinary Officer will assign an educational assignment or project that best serves in the education and learning for the Student. The College Disciplinary Officer determines the topic, format, and deadline for the educational assignment or project. Violent, dangerous, or egregious behavior will not be remediated by an educational assignment or project only.

Exclusion from District Activities. Prohibiting the Student from participating in any District co-curricular and/or extra-curricular activity(ies) for a period of time.

Expulsion prohibits the Student from attending classes or entering onto any District Property for an indefinite period of time.

Hold on Records which consists of the withholding of transcripts and/or other Student records. The College Disciplinary Office may impose such withholding when a Student fails to repay debts to the District, return District equipment or make restitution to the District. A hold on records may also be asserted if a Student does not comply with requests such as, but not limited to, required Administrative Review or appointments.

Housing Probation consists of a Written Notice to the Student residing in an on-campus housing facility by the College Disciplinary Officer or Designee that the Student has violated this Student Code of Conduct, Resident Handbook, and/or Harbour Community Policies, and that for a specified period of time, the Student must meet certain conditions as imposed by the College and/or Housing & Residential Education. Any subsequent violations of this Procedure by the Student or their guests during the term of the probation, or the Student's failure to comply with any conditions of probation imposed by the College Disciplinary Officer or Designee may result in additional sanctions under this Procedure.

Interim Suspension prohibits the Student from attending classes or entering onto any District Property for a period of one to ten Days.

Mental Health Clearance. Mental Health Clearance may be required before a Student is readmitted to a particular class or allowed to come onto District Property. The College

Disciplinary Officer must receive a letter from a licensed Mental Health Professional stating that in their professional judgment the Student will no longer continue the behavior which gave rise to the College Disciplinary Officer taking disciplinary action against him/her or that the Student's continued presence on campus is not a threat to themselves or others. The Mental Health Professional must be licensed by the State of California and the College Disciplinary Officer must verify that the Mental Health Professional is credentialed to render a professional opinion. The Student shall bear the cost and expense of obtaining mental health clearance.

Restitution. The College Disciplinary Officer may require the Student to repay the District or any person for the cost of replacing or repairing any property taken, destroyed or damaged by the Student. This Student may also be charged a service charge and/or collection fee under the College policy regarding service charges and collection fees.

Restriction from Attendance at District Events. The College Disciplinary Officer may restrict the Student from attending some or all District events for a specified period of time.

Short Term Removal from Class for a period not to exceed two class meetings, may be imposed by any Instructor on a Student who is disrupting the class or otherwise interfering with the ability of other Students in the class to learn. The Instructor or program supervisor shall notify the College Disciplinary Officer, in writing, immediately following the removal of a Student, with a copy to the Dean of the Academic Unit. The Student may not return to the class until the Student has met with the College Disciplinary Officer. The College Disciplinary Officer shall contact the Student to arrange such a meeting. If circumstances warrant, the College Disciplinary Officer may extend this restriction by enforcing an Interim Suspension. If the Student removed by an Instructor is a minor, the College Disciplinary Officer shall ask the parent or guardian of the Student to attend a parent conference regarding the removal as soon as possible. If the Instructor or the parent or guardian so requests, a College Administrator shall attend the conference. During the period of removal of not two exceed two class meetings, the Student shall not be returned to the class from which they were removed without the concurrence of the Instructor of the class.

Suspension prohibits the Student from attending classes or entering onto any District Property for a period of 11 days and up to two years.

Written Warning is a written reprimand and warning to the Student by the College Disciplinary Officer that they have determined that the Student has violated this Student Code of Conduct and is on warning.

Ratified February 18, 2015 (replaces prior BP 3902 Student Code of Conduct and Disciplinary Procedures, last revised 11/16/2005)

Ratified August 15, 2018

Ratified May 6, 2020

Ratified June 16, 2021

Ratified February 5, 2025